

ment of the Nation's airport and airway systems, be recommitted to the Committee on Commerce with instructions to report back forthwith a bill which combines the provisions of S. 3108, to provide for additional Federal assistance for the improvement of the airway system, plus the provisions of H.R. 14465, as both were originally reported to the Senate from the Committee on Finance. The bill has two

parts and one part had to go to the Committee on Finance.

THE PRESIDING OFFICER:<sup>(2)</sup> Without objection, it is so ordered.

MR. MAGNUSON: This procedure is followed to permit the bill to be printed in the form in which it will be considered, I believe, early next week. This is one of the most important pieces of legislation we will consider this session.

## F. MOTIONS TO RECONSIDER

### § 33. In General

The motion to reconsider is provided for by House rule.<sup>(3)</sup> It is the procedural device which permits the House to review its actions on a given proposition. Indeed, it has been said that the vote of the House on a proposition "is not final and conclusive upon the House itself until there has been an opportunity to reconsider it,"<sup>(4)</sup>

and that ". . . neither a bill nor an amendment is passed or adopted until the motion to reconsider is disposed of. The Speaker is not allowed to sign a bill during the pendency of a motion to reconsider. . . ." <sup>(5)</sup> While pending, the motion serves to suspend the original proposition.<sup>(6)</sup> When the motion is agreed to, the question immediately recurs on the proposition to be reconsidered.<sup>(7)</sup>

2. Robert C. Byrd (W. Va.).

3. "When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report or a motion to adjourn, and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any Member may call it up for consideration: *Provided*, That such motion, if made during

the last six days of a session, shall be disposed of when made." Rule XVIII clause 1, *House Rules and Manual* §812 (1981).

4. Speaker John G. Carlisle (Ky.), Jan. 31, 1889, cited in *Cannon's Procedure* (86th Cong.), p. 319.

5. Speaker Thomas B. Reed (Maine), Feb. 19, 1898, 31 CONG. REC. 1944, 55th Cong. 2d Sess.

6. 5 Hinds' Precedents §5704.

7. 5 Hinds' Precedents §5703.

The motion is privileged for consideration,<sup>(8)</sup> but if it relates to business which is in order only on certain days, it may be called up for consideration only when that class of business is in order.<sup>(9)</sup>

Rule XVIII clause 1<sup>(10)</sup> provides that the motion to reconsider may be entered by any Member who voted with the majority on a particular question, and then may be called up for consideration by any Member. “Majority” has been construed as meaning the prevailing side, as it has applied to those Members voting “nay” on a proposition defeated by a tie vote,<sup>(11)</sup> and to those Members, though a minority, whose votes defeated a proposition that required a two-thirds vote for approval.<sup>(12)</sup> However, when a vote is taken viva voce, or by division or tellers, and not recorded, any Member, regardless of how he voted, may enter the motion.<sup>(13)</sup>

Ordinarily, the motion is debatable only if the proposition sought to be reconsidered was debatable.<sup>(14)</sup> Recent precedent suggests

that debate on the motion is in order only if the previous question has not been ordered.<sup>(15)</sup> Early precedents held that a vote on a proposition divested it of the previous question, so that a motion to reconsider the proposition would be debatable.<sup>(16)</sup>

In general, the motion to reconsider cannot be agreed to in the House in the absence of a quorum when the vote to be reconsidered required a quorum.<sup>(17)</sup>

The motion to reconsider occurs most frequently in conjunction with the motion to lay on the table. In most instances, the motion to reconsider is followed immediately by a motion to table the motion to reconsider, although quite frequently a unanimous-consent request is the method by which the motion to reconsider is laid on the table.<sup>(18)</sup>

A unanimous-consent request may be in order to vacate proceedings wherein the motion to reconsider has been laid on the table,<sup>(19)</sup> and on at least one occasion a unanimous-consent request to vacate the proceedings has

8. 8 Cannon's Precedents § 2787.

9. 5 Hinds' Precedents §§ 5677–5681; 8 Cannon's Precedents §§ 2785, 2796.

10. *House Rules and Manual* § 812 (1981).

11. See § 35.2, *infra*.

12. 12. See 5 Hinds' Precedents §§ 5617, 5618.

13. 13. See § 35.3, *infra*.

14. Hinds' Precedents Sec. 5694–5699; 8 Cannon's Precedents §§ 2437, 2792.

15. See § 41, *infra*.

16. See 5 Hinds' Precedents Sec. 5491, 5492, 5494.

17. *House Rules and Manual* § 812 (1981). Compare § 37.1, *infra*.

been permitted in lieu of the motion to reconsider in the Committee of the Whole which is not in order.<sup>(1)</sup>

The motion to reconsider is in order on measures that have passed both Houses<sup>(2)</sup> and on measures sent to the Senate or the President.<sup>(3)</sup> It is in order on a vote ordering the yeas and nays<sup>(4)</sup> (but if the House votes by a majority to reconsider the calling of the yeas and nays, they may again be ordered by one-fifth of the Members),<sup>(5)</sup> and on a vote refusing the yeas and nays.<sup>(6)</sup>

Reconsideration is also in order on an affirmative vote to lay on the table<sup>(7)</sup> and on a negative vote to lay on the table.<sup>(8)</sup> However, it is not in order to reconsider the vote whereby the House tabled another motion to reconsider.<sup>(9)</sup>

1. See Sec. 38.6, *infra*.
2. 4 Hinds' Precedents § 3466–3469.
3. 5 Hinds' Precedents §§ 5666–5668.
4. 5 Hinds' Precedents § 6029; 8 Cannon's Precedents § 2790.
5. 5 Hinds' Precedents §§ 5689–5691.
6. 5 Hinds' Precedents § 5692.
7. 5 Hinds' Precedents §§ 5628, 5695, 6288; 8 Cannon's Precedents Sec. 2785; § 39.3, *infra*. Thus the motion to reconsider provides a third method (in addition to suspension of the rules and requests for unanimous consent) whereby matters laid on the table may be brought back for consideration.
8. 5 Hinds' Precedents Sec. 5629.
9. 5 Hinds' Precedents Sec. 5632–5640.

The vote to lay on the table an appeal from a decision of the Speaker may be reconsidered.<sup>(10)</sup>

It has been held in order to reconsider an action predicated on a request for unanimous consent, on the theory that such a request is in effect a motion.<sup>(11)</sup>

Reconsideration is in order once on a vote ordering the previous question,<sup>(12)</sup> but may not be applied to a vote ordering the previous question which has been partially executed.<sup>(13)</sup> However, on two occasions the motion to reconsider was applied to partially executed orders of the House.<sup>(14)</sup>

Recent precedents indicate that the motion to reconsider may be applied to a vote on a conference report,<sup>(15)</sup> or to a vote on recommending a conference report.<sup>(16)</sup>

The motion to reconsider is not in order on a negative vote to adjourn,<sup>(17)</sup> on a negative vote for a recess,<sup>(18)</sup> or on a negative vote on going into the Committee of the Whole which is akin to the ques-

10. 5 Hinds' Precedents Sec. 5630.
11. 8 Cannon's Precedents § 2794.
12. 15 Hinds' Precedents § 5655.
13. 5 Hinds' Precedents § 5653, 5654.
14. 3 Hinds' Precedents § 2028; 5 Hinds' Precedents § 5665.
15. See § 39.4, *infra*.
16. See § 39.5, *infra*.
17. 5 Hinds' Precedents §§ 5620–5622.
18. 5 Hinds' Precedents § 5625.

tion of consideration, which is also immune to the motion,<sup>(19)</sup> though it has been admitted on an affirmative vote to go into the Committee of the Whole.<sup>(20)</sup>

Reconsideration is not in order on a negative vote on a motion to suspend the rules<sup>(1)</sup> nor on a vote to override a Presidential veto.<sup>(2)</sup>

The motion to reconsider may not be applied to the vote by which the House decided a question of parliamentary procedure<sup>(3)</sup> nor on a vote on the reference of a bill to a committee.<sup>(4)</sup>

A proposition once reconsidered may not be reconsidered again<sup>(5)</sup> unless the nature of the proposition has been changed by amendment.<sup>(6)</sup>

To entertain a motion to reconsider the vote on an amendment to an amendment, for example, it is first necessary to vote to reconsider the vote by which the original amendment, as amended, was

disposed of. Thus is it proper to reconsider various questions in reverse order until proceedings return, in effect, to the original position in which the question which is to be reconsidered was pending.

The purpose of reconsideration is to allow the House to reflect on the wisdom of its action on a given proposition. Since a vote taken in the Committee of the Whole is not binding on the House until ratified there, reconsideration is not in order in the Committee of the Whole. The precedents are in conflict as to whether or not the motion to reconsider may be entered by unanimous consent in the Committee of the Whole<sup>(7)</sup> but the Chair would normally decline to entertain such a request. However, the motion is in order in the House as in the Committee of the Whole.<sup>(8)</sup>

In committees, the motion to reconsider may be entered on the same day on which the action is taken to which it is proposed to be applied, or on the next day thereafter on which the committee convenes with a quorum present at a properly scheduled meeting at which business of that class is in order.<sup>(9)</sup>

19. 5 Hinds' Precedents § 5641.

20. 5 Hinds' Precedents § 5368.

1. 5 Hinds' Precedents §§ 5645, 5646; 8 Cannon's Precedents § 2781.

2. *House Rules and Manual*, Jefferson's Manual § 109 (1981); 5 Hinds' Precedents § 5644; 8 Cannon's Precedents § 2778.

3. 8 Cannon's Precedents § 2776.

4. 8 Cannon's Precedents § 2782.

5. See § 39.16, *infra* (Senate).

6. 5 Hinds' Precedents §§ 5685–5688; 8 Cannon's Precedents § 2788.

7. See § 39, *infra*.

8. 8 Cannon's Precedents § 2793.

9. See 8 Cannon's Precedents § 2213.